

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following remarks is respectfully requested.

Claims 1, 4, 7, 8, 10, 11, 14, 17, 18 and 20 are presently active in this application, Claims 2, 3, 5, 6, 9, 12, 13, 15, 16 and 19 having been canceled by the present Amendment.

In the outstanding Office Action Claims 1-4, 10-14 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wojcik et al. (US 5,666,493). Claims 5-9 and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wojcik et al. in view of De La Motte et al. (US 2005/0108140). Also, in paragraph 2 of the outstanding Office Action, it was noted that the Japanese patent publications submitted for consideration with the IDS filed Feb. 21, 2002 were not considered.

In response to paragraph 2 at page 2 of the outstanding Office Action, submitted herewith are English language Abstracts of the Japanese patent publications, i.e., Jpn. Pat. Appln. KOKAI Publications No. 2001-14021 and No. 2000-296903, submitted with the IDS filed Feb. 21, 2002. These Abstracts serve as a statement of relevancy. Accordingly attached hereto is a copy of the filed IDS and a copy of the PTO 1449 form listing the two Japanese references. Formal acknowledgement on the record of consideration of these references is respectfully requested.

In light of the outstanding grounds for rejection on the merits, the claims have been amended to clarify the subject invention and thereby more clearly patentably define over the cited prior art. No new matter has been added.

Before discussing the outstanding grounds for rejection in detail, it is believed that a brief review of the background of the invention would be helpful. In the manufacture of semiconductor devices, as a mask pattern is downsized, the defect specifications become stricter and the yields of mask products become lower. As a result, a sequence of mask

manufacture, mask examination, and mask re-manufacture is sometimes repeated at a mask manufacturer side. It follows that, delivery dates to a mask buyer cannot be known because of the uncertainty arising as to the necessity of mask re-manufacture, and furthermore, if a mask manufacturer produces goods with too many defects, the re-manufacture process occupies manufacturing resources without generating additional profit.

However, even if a mask product does not satisfy certain defect specifications, the mask product may be useful for the mask buyer. For example, in the case of process condition setting (condition selection), a mask product having considerable defects can be used. Further, for example, in the case of a mask for a memory device, a mask product can be used, as long as the number of defects expected to be generated on the device by use of the mask product is within a range that can be covered by the redundancy area of the memory device. However, in this latter case, the number of defects is greatly changed by the manufacturing conditions (such as cleanliness) of the process field in which the mask product is used. Accordingly, it depends on the mask buyer's circumstances whether a manufactured mask product is useful or not on the mask buyer side.

In view of the above-described circumstances, Applicants' invention is arranged to provide a mask buyer with judgment data as defined in Claim 1 for evaluating a manufactured mask product, and to allow the mask buyer to select whether to buy the mask product or not, and to input a desired purchase price thereof. This makes it possible to prevent wastage in which mask products having non-serious or an acceptable level of defects are scrapped. Conventionally, no such information exchange to which the present invention is directed is performed between a mask buyer and a mask manufacturer, and instead conventionally the mask products are either discarded or not, with no discretionary input from the buyer, simply on the basis of a yes/no decision as to whether the mask products are in compliance with specified defect specifications.

Original Claims 5, 6, 15 and 16 corresponding to amended Claims 1 and 11 have been rejected under 103(a) as being unpatentable over Wojcik et al. in view of De La Motte. Particularly, the outstanding Office Action relies on De La Motte, to remedy a deficiency in Wojcik, as disclosing a technique to allow the mask buyer to select whether to buy the mask product or not, and to input a desired purchase price of the mask product. However, De La Motte describes, in paragraph 0012, lines 3 to 10, “The invention includes a standardized product rating system --- Both the products and factories of suppliers are evaluated ---“, for example. Applicants interpret this passage is teaching to make the prices of products objectively determined by a third person; which differs from the present invention that provides a buyer with judgment data to allow the buyer to determine a desired purchase price. The claimed invention has been adopted in light of circumstances occurring in the preparation and sale of mask products for semiconductor devices, and thus it is respectfully submitted that the claimed invention is not rendered obvious by the teachings of Wojcik et al. and De La Motte that involve products irrelevant to semiconductor mask products.

Furthermore, Jpn. Pat. Appln. KOKAI Publications No. 2001-14021 and No. 2000-296903 re-submitted by IDS herewith, are also silent about a technique to provide a buyer with judgment data to allow the buyer to select whether to buy the product or not, and to input a desired purchase price thereof.

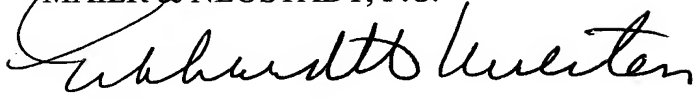
Consequently, in view of the deficiencies of the prior art above discussed, reconsideration and withdrawal of the outstanding grounds for rejection is believed to be in

Application No. 10/078,394
Reply to Office Action of April 28, 2006

order and is respectfully requested. An early and favorable action on the merits is
respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\EHK\21'S\219722US\219722US-AM.DOC